

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF VERMONT

SHAWN W. BYRNE,  
Plaintiff

v.

DAWN TERRILL, in her official  
capacity as Vermont Secretary of  
Transportation; and BONNIE L.  
RUTLEDGE, individually and in her  
official capacity as Vermont  
Commissioner of Motor Vehicles,  
Defendants

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File No. 1:05-CV-15

**ORDER**

The Magistrate Judge's Report and Recommendation was filed August 1, 2005 (Paper 36). After de novo review and over objection, the Report and Recommendation is AFFIRMED, APPROVED and ADOPTED. See 28 U.S.C. § 636(b)(1). Plaintiff's motion for preliminary injunction (Paper 15) is DENIED. Defendants' motion to dismiss (Paper 19) is DENIED.

The matter is hereby returned to the Magistrate Judge for further proceedings.

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 23<sup>rd</sup> day of August, 2005.

/s/ J. Garvan Murtha  
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J. Garvan Murtha  
United States District Judge